

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: BEXTRA AND CELEBREX MARKETING
SALES PRACTICES AND PRODUCT LIABILITY
LITIGATION

CASE NO: 05-CV-01699 CRB
MDL NO: 1699

This Document Relates To:
WILLIE KENDRICK 08-4281 CRB

MOTION TO SUBSTITUTE PARTY

COMES NOW Plaintiff Ms. Teecola F. Kendrick, Administratrix of the Estate of Willie James Kendrick and she moves this Court pursuant to Rule 25 of the Federal Rules of Civil Procedure for an order substituting her in her capacity as Administratrix of the Estate of Willie James Kendrick as the named Plaintiff in the above styled and numbered cause. As grounds for this motion Movant shows the following:

- (1) Willie Kendrick, Plaintiff, died on April 10, 2009, as shown by his Death Certificate which is attached as Exhibit A.
- (2) Movant, Ms. Teecola F. Kendrick, widow of Plaintiff Willie Kendrick, was appointed Administratrix of the Estate of Willie James Kendrick, deceased, by the Chancery Court of the First Judicial District Of Hinds County, Mississippi on June 16, 2009. A true copy of the order appointing Ms. Teecola F. Kendrick as Administratrix is attached as Exhibit B.
- (3) On June 16, 2009 Letters of Administration were issued to Ms. Teecola F. Kendrick, Movant, by the Chancery Court of the First Judicial District Of Hinds County, Mississippi and a true copy of said letters is attached as Exhibit C.
- (4) Ms. Teecola F. Kendrick, Movant, therefore request the Court to substitute her as the named Plaintiff in the above styled and numbered cause.

WHEREFORE, Mrs. Teecola F. Kendrick, Administratrix of the Estate of Willie James Kendrick, Movant, prays that this Court enter an order substituting her in her capacity as Administratrix of the Estate of Willie James Kendrick as the named Plaintiff in the above styled and numbered cause.

RESPECTFULLY SUBMITTED,

WILLIE KENDRICK

BY: s/ John L. Walker

JOHN L. WALKER (MSB #6883)
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ATTORNEYS FOR PLAINTIFF

IT IS SO ORDERED

CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

12/20/2010

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that on December 22, 2010, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record, and:

Loren H. Brown, Esq.
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New York, NY 10020
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E-mail: loren.brown@dlapiper.com

This the 22nd day of December, 2010.

s/ John L. Walker

STATE OF MISSISSIPPI

MISSISSIPPI STATE DEPARTMENT OF HEALTH VITAL RECORDS



8996411

FILING
DATE: APR 28 2009

CERTIFICATE OF DEATH STATE OF MISSISSIPPI

STATE FILE NUMBER 123 2009-008144

1. NAME - First: Willie Middle: James Last: Kendrick		2. SEX: M	3a. HOUR OF DEATH: 1915 P	3b. DATE OF DEATH (Month, Day, Year): April 10, 2009
4. RACE (Specify White, Black, American Indian, etc.): Black	5a. AGE AT LAST BIRTHDAY: 53 Years	5b. MOS: 53 DAYS	5c. MINS: 01 HOURS: 10 MIN: 45	6. DATE OF BIRTH (Month, Day, Year): 01/10/1956
7. STATE OF BIRTH: Mississippi	8. PLACE OF DEATH (Check only one box): <input checked="" type="checkbox"/> IF DEATH OCCURRED IN A HOSPITAL <input type="checkbox"/> IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL <input type="checkbox"/> Hospice facility <input type="checkbox"/> Nursing home/long term care facility <input type="checkbox"/> Other (Specify):			
9a. FACILITY NAME (If not a facility, give street address, route number, or other location): Central Mississippi Medical Center 25H		9b. CITY, TOWN OR LOCATION OF DEATH: Jackson		9c. COUNTY OF DEATH: Hinds
10. DECEDENT'S EDUCATION (Specify only highest grade completed): 12	11. MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify): Married	12. SURVIVING SPOUSE (If wife, maiden name): Teecola Finch		13. WAS DECEASED EVER IN U.S. ARMED FORCES (Yes or No): No
14. WAS DECEDENT OF HISPANIC ORIGIN? (If yes, specify Cuban, Mexican, Puerto Rican, etc.): No		15. SOCIAL SECURITY NUMBER: 166-65-1066		16a. USUAL OCCUPATION (Kind of work done): Truck Driver
17a. RESIDENCE - STATE: Mississippi		17b. COUNTY: Hinds		17c. CITY OR TOWN: Jackson
18. FATHER - NAME: Garner Kendrick		19. MOTHER - NAME: Lula Williams		20. MAILING ADDRESS (Street and number, City or town, State, ZIP Code): 217 Colebrook Ave., Jackson, MS 39209
21a. DISPOSITION OF BODY (Specify Burial, Cremation, Removal, etc.): Burial		21b. CEMETERY/CREMATORY - NAME: Autumn Woods Cemetery		21c. LOCATION (City and State): Jackson, MS
22a. FUNERAL HOME - NAME: Lakeover Memorial 25H		22b. FUNERAL HOME LICENSE NUMBER: 394		22c. MAILING ADDRESS (Street and number, City or town, State, ZIP Code): 1525 Beasley Road, Jackson, MS 39206
23a. PERSON WHO PRONOUNCED DEATH - NAME AND TITLE (Type or print): FRANK D. TRAGLIA MD		23b. PRONOUNCED DEAD (Month, Day, Year): ON 4/10/09		23c. PRONOUNCED DEAD (Time): AT 19:15
24a. CERTIFIER - NAME (Type or print): GREGORY S. ODEN		24b. MAILING ADDRESS (Street and number, City or town, State, ZIP Code): 5903 RIDGEWOOD RD, JACKSON MS 39211		24c. SIGNATURE: <i>[Signature]</i>
25a. DATE SIGNED (Month, Day, Year): 4/10/09		25b. STATE LICENSE NUMBER: 16665		25c. TITLE: MD
26a. NAME OF ATTENDING PHYSICIAN OR OTHER THAN CERTIFIER (Type or print):		26b. DATE SIGNED (Month, Day, Year):		26c. SIGNATURE:
27. PART I: CAUSE OF DEATH - Enter the cause of death - disease, infection, or complication - that directly caused the death. DO NOT enter terminal events such as heart failure, shock, or renal failure without showing the etiology. List only one cause on each line. DO NOT USE ABBREVIATIONS.				
IMMEDIATE CAUSE (Final disease or condition resulting in death): Systolic Heart Failure				
Sequitely list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (disease or injury that initiated events resulting in death) LAST.				
27. PART II: OTHER SIGNIFICANT CONDITIONS - Conditions contributing to death but not resulting in the underlying cause given in Part I.				
28. AUTOPSY (Yes or No): No				
29. WAS CASE REFERRED TO MEDICAL EXAMINER (Yes or No): No				
30. IF FEMALE, SPECIFY: <input type="checkbox"/> Was not pregnant within the past year <input type="checkbox"/> Was pregnant at the time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death <input type="checkbox"/> Not pregnant but had been pregnant 43 days to 1 year before death <input type="checkbox"/> Unknown if pregnant within the past year				
31a. ACCIDENT, SUICIDE, HOMICIDE, PENDING INVESTIGATION, OR UNDETERMINED (Specify):		31b. DATE OF INJURY (Month, Day, Year):		31c. HOUR OF INJURY:
31d. INJURY AT WORK (Yes or No):		31e. PLACE OF INJURY (Specify Home, Farm, Street, Factory, Office building, etc.):		31f. LOCATION: Street or house number: City or town: State:

Mississippi State Department of Health

Revised 1-4-08

Form 5-1

THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE CERTIFICATE ON FILE IN THIS OFFICE



APR 30 2009

Judy Moulder
STATE REGISTRAR



DUPLICATION OF THIS DOCUMENT RENDERS IT VOID AND INVALID. DO NOT ACCEPT UNLESS EMBOSSED SEAL OF THE MISSISSIPPI STATE BOARD OF HEALTH IS PRESENT. IT IS ILLEGAL TO ALTER OR COUNTERFEIT THIS DOCUMENT.

VERIFY PRESENCE OF WATERMARK HOLD TO LIGHT TO VIEW

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER THIS IS WATERMARKED PAPER. DO NOT ACCEPT WITHOUT FIRST HOLDING TO LIGHT TO VERIFY WATERMARK

IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT
OF HINDS COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE
WILLIE JAMES KENDRICK, DECEASED

ATTEST A TRUE COPY
FILED

JUN 16 2009

EDDIE JEAN CARR, CHANCERY CLERK

BY DN Sanders D.C.

NO p2009-279 5/2

TEECOLA F. KENDRICK

PETITIONER

**ORDER GRANTING LETTERS OF ADMINISTRATION AND AUTHORIZATION TO
PURSUE THE BODILY INJURY CLAIM OF WILLIE JAMES KENDRICK**

THIS CAUSE having come before this Court to be heard on the petition of Teecola F. Kendrick, pursuant to Miss. Code Anno. Sec. 91-7-61 and 91-7-63 for the appointment as administratrix the Estate of Willie James Kendrick, deceased, and for authorization to pursue the bodily injury claim of Willie Kendrick that he filed before his death. The Court, after being fully advised in the premises finds that the petition should be granted and finds as follows, to-wit:

1. That this Court has jurisdiction of the parties hereto and of the subject matter hereof;
2. That the petitioner, Teecola F. Kendrick, is an adult resident citizen of Hinds County, Mississippi;
3. That the petitioner is the wife of Willie James Kendrick, deceased, who departed this life on April 10, 2009, while a resident of Hinds County, Mississippi, without leaving a will and testament insofar as your petitioner knows or believes;
4. That petitioner, Teecola F. Kendrick is of sound mind and is not a convicted felon;
5. That Willie James Kendrick, deceased, at the time of his death owned no real



property and personal property of only nominal value and no other property except for the bodily injury claim of Willie Kendrick that he filed before his death

6. That Willie James Kendrick, deceased, died on April 10, 2009, and left surviving the following heirs:

- a. Teecola F. Kendrick, wife, over the age of 21 years;
- b. Commanika Shunta Finch, daughter, over the age of 21 years;
- c. Willie James Kendrick, Jr., son, over the age of 21 years; and
- d. Zabiers Andreas Kendrick, son, DOB 10/25/1988.

7. That it is in the best interest of the estate that Petitioner should be granted letters of Administration and be authorized, pursuant to Miss. Code Ann. Section 91-7-61 to pursue said wrongful death and survival claims in her official capacity as Administratrix of the Estate of Willie James Kendrick;

8. That since the death of Willie James Kendrick no other person or entity has applied for said administration and, as a result, petitioner, pursuant to Miss. Code Ann. Sec. 91-7-63, makes application for same;

9. That said estate should be immediately administered to pursue wrongful death and legal claims as set out in the Complaint of Willie Kendrick in the matter captioned Kendrick v. Pfizer, Cause number 251-08-296CIV (Hinds County Circuit Court, Mississippi; Filed 4/07/2008).

10. That petitioner requested that bond be waived or set in the minimum allowed amount since there is presently nothing of value in the estate.

11. That bond is hereby waived with direction to petitioner and her counsel to notify this Court in the event that something of significant value belonging to the estate is located, received or anticipated.

IT IS THEREFORE ORDERED AND ADJUDGED that Letters of Administration be issued to Teecola F. Kendrick, and that she be appointed Administratrix of the Estate of Willie James Kendrick, deceased, without requirement of bond upon taking the oath of office as prescribed by law. *That an inventory shall be filed within 30 days.*

IT IS FURTHER ORDERED AND ADJUDGED that petitioner, Teecola F. Kendrick, is hereby authorized to pursue the hereinabove referred to wrongful death claims and legal claims of Willie Kendrick that he filed before his death in her capacity as Administratrix of the Estate of Willie James Kendrick, deceased.

SO ORDERED AND ADJUDGED this the 16th day of June, 2009.


CHANCELLOR

SUBMITTED BY:

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ATTORNEYS FOR ESTATE

LETTERS OF ADMINISTRATION

FILED
JUN 16 2009

EDDIE JEAN CARR, CHANCERY CLERK
BY W. Sanders

THE STATE OF MISSISSIPPI

COUNTY OF HINDS

TO ALL TO WHOM THESE PRESENTS SHALL COME - GREETINGS:

WHEREAS Willie James Kendrick, deceased, late of said county, died intestate, and had at his death, credits and property in said State.

P2009-279 5/2

WE THEREFORE, by these Letters authorize Jeecola F. Kendrick as administratrix

of the goods and chattels, rights and credits of said decedent faithfully, truly and promptly to perform and discharge all the duties required of her by law, or by the order of this Court.

WITNESS the Honorable Alexis Owens, Chancellor of the Chancery Court, at the Courtroom thereof, at Jackson, Mississippi on the 16th day of June, A.D., 2009, and seal of said Court.

16th day of June, 2009.



EDDIE JEAN CARR, CHANCERY CLERK

By: W. Sanders, D.C.

I, EDDIE JEAN CARR, Clerk of the Chancery Court in and for the County of Hinds, and State of Mississippi, certify that the above is a true copy of the Letters of Administration upon the estate of Willie James Kendrick, deceased, granted and issued to Jeecola F. Kendrick administratrix, on the 16th day of June, 2009, as the same appears on file and of record in my office, in Jackson, in said County and State.

Given under my hand and seal of said Court at Jackson, in said County and State, this the 16th day of June, 2009.

(SEAL)



EDDIE JEAN CARR, CHANCERY CLERK

By: W. Sanders D.C.